

the Texas State Fair do extend a cordial invitation to his Excellency Governor Coke, Lieutenant Governor Hubbard, and to the honorable members of the Texas Senate and House of Representatives to attend the fifth annual Texas State Fair, to be held on the State Fair Grounds, in the city of Houston, commencing Tuesday, May 19, and to have free access to the same during its continuance, and that this action be made known to the respective houses through Senator W. R. Baker and Messrs. Barziza and Schmidt.

W. J. HUTCHINS,

JAMES F. DUMBLE, Sec. President.

Senator Swift moved that the rules be suspended to take up Senate bill No. 272, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas." Rules suspended, bill taken up, read second time and ordered engrossed.

On motion of Senator Swift, the rules were further suspended, bill read third time, and passed by the following vote:

Yeas—Senators Baker, Bradshaw, Bradley, Burton, Camp, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Joseph, Moore, Parker, Randle, Stirman, Swift, Trolinger and Westfall—21.

Nays—Senator Allison—1.

On motion of Senator Swift, the Senate adjourned to 3 P. M.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

A message was received from the House announcing that body as being ready to receive the Senate in joint session to continue the consideration of the charges preferred against Judge J. B. Williamson, of the Sixth Judicial District.

On motion of Senator Parker, the Senate proceeded to the House.

#### IN JOINT SESSION.

Major W. M. Walton, of Travis county, then proceeded to address the joint session in behalf of the State.

On motion of Senator Parker, the Senators retired to the Senate Chamber.

#### IN SENATE.

On motion of Senator Ireland, the Senate proceeded to vote on the charges preferred in the address against Judge J. B. Williamson, of the Sixth Judicial District.

The President announced that the question would be, Are the cause or causes set forth in the address against Judge J. B. Williamson, of the Sixth Judicial District, sufficient to justify his removal from said office?

The Senate then proceeded to vote on said address with the following result:

Yeas—Senators Allison, Ball, Baker, Bradshaw, Bradley, Camp, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Hobby, Ireland, Morris, Moore, Parker, Russell, Stirman, Swift, Trolinger and Westfall—22.

Nays—Senators Burton, Flanagan, Ledbetter and Randle—4.

Senator Joseph asked to be excused from voting.

On motion of Senator Westfall, Senator Joseph was excused.

Senator Ireland introduced a bill entitled "An act to authorize John W. Davis to hold two gift concerts, without the payment of the tax imposed on gift concerts; the proceeds to be applied to the building of a Baptist Church and Masonic Hall, in the town of San Marcos, Texas." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to amend article 761, of the Penal Code." Read first time and referred to Judiciary Committee.

On motion of Senator Bradshaw, the Senate adjourned.

#### FIFTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, March 20, 1874.

Senate met pursuant to adjournment; roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

(Senator Westfall in the chair.)

The journal of yesterday should have shown that, on motion of Senator Swift, the invitation from the Agricultural, Mechanical and Blood Stock Association, presented by Senator Baker, was accepted.

On motion of Senator Friend, the rules were suspended, to take up Senate bill No. 164, "An act to amend section eighteen, of 'An act concerning proceedings in district courts,' passed March 10, 1848, and took effect August 1, 1848. Bill read second time and ordered engrossed.

On motion of Senator Friend, the rules were further suspended, bill read third time and passed.

A message was received from the House announcing that the House had voted the address, asking the removal of Judge Williamson, of the Sixth Judicial District, by a vote of sixty nine yeas to eleven nays.

Senator Erath presented a petition from citizens of Waco against the passage of the bill providing for public weighers, in its present shape. Read and ordered to lie on the table.

Senator Trolinger presented a petition from citizens of Grayson county, asking that the bill providing for a public weigher,

be not allowed to pass in its present shape. Read and ordered to lay on the table.

Senator Flanagan presented the credentials of Matt Gaines, of the Sixteenth Senatorial District.

Senator Dillard moved that the applicant be not seated at present, but that the matter be referred to the Committee on Privileges and Elections. Carried by the following vote:

Yeas—Senators Allison, Baker, Bradshaw, Bradley, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Russell, Stirman, Swift, Trolinger and Westfall—23.

Nays—Senators Burton, Flanagan and Randle—3.

Senator Camp moved to take up the veto message of the Governor on Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same." Motion carried, message taken up, and, on motion of Senator Camp, was referred to Judiciary Committee.

(Mr. President in the chair.)

On motion of Senator Westfall, the rules were suspended to take up House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of January, 1873, and to provide for the payment of the same." Bill taken up, read third time and passed.

On motion of Senator Baker, the rules were suspended to take up Senate bill No. 130, "An act to exempt earnings of laborers, mechanics and artisans, to a certain extent, from the payment of debts by legal process," together with the amendments recommended by the committee reporting thereon. The amendments were read and adopted.

The bill was then read second time and ordered engrossed.

On motion of Senator Baker, the rules were suspended, and the bill read third time.

On motion of Senator Bradley, the bill was recommitted to Judiciary Committee.

A message was received from the House, announcing that the House had appointed Messrs. Von Biberstein, Delaney, Harris, Smith of Travis, and Smith of Grimes, as a committee of conference between the two houses, on the disagreement on House bill No. 315, "An act to regulate proceedings in the Supreme Court."

Senator Trolinger moved that the rules be suspended, to take up Senate bill No. 257, "An act amendatory of 'An act to regulate proceedings in the district courts.'" Lost.

By leave, Senator Culberson introduced the following concurrent resolution:

*Resolved by the Senate, the House of Representatives concurring therein,* That the Senate and House of Representatives meet in joint session to hear the argument, and consider the address, in the matter of the removal of the Hon. L. W. Cooper, from the office of judge of the district court of the Third Judicial District, on Tuesday next, at the hour of 9 A. M., of said day.

Adopted.

By leave, Senator Swift presented charges of address, against Judge William Chambers of the First Judicial District of the State of Texas. Read.

Senator Swift moved that the address be referred to a select committee of three. Lost by the following vote:

Yeas—Senators Ball, Camp, Dillard, Ellis, Hobby, Joseph, Morris, Moore and Swift—9.

Nays—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dwyer, Erath, Flanagan, Friend, Ireland, Parker, Randle, Russell, Stirman, Trolinger, and Westfall—18.

Senator Flanagan moved that the address be laid on the table. Lost by the following vote:

Yeas—Senators Allison, Burton, Dwyer, Erath, Flanagan, Friend, Ledbetter, Parker, Randle, Russell, Stirman and Trolinger—12.

Nays—Senators Ball, Baker, Bradshaw, Bradley, Camp, Davenport, Dillard, Ellis, Hobby, Ireland, Joseph, Morris, Moore, Swift and Westfall—15.

On motion of Senator Parker, the address was referred to Judiciary Committee.

A message was received from the House, announcing that the House concurred in Senate amendments to House bill No. 16, "An act to encourage stockraising, and for the protection of stockraisers," except the words "Denton" and "Wise."

On motion of Senator Ireland, the rules were suspended to take up House bill No. 16, "An act to encourage stockraising, and for the protection of stockraisers," together with Senate amendment.

On motion of Senator Ireland, the Senate receded from its amendment.

The unfinished business being the substitute offered by Senator Dillard, "An act to aid in the construction of the International Railroad Company, by donating lands to the company, owning the same upon certain conditions," for Senate bill No. 148, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," it was taken up and discussed.

The substitute was lost by the following vote:

Yeas—Senators Allison, Ball, Bradshaw,

Bradley, Davenport, Dillard, Erath, Hobby, Morris, Moore, Parker, Stirman and Trolinger—13.

Nays—Senators Baker, Burton, Camp, Culberson, Dwyer, Ellis, Flanagan, Friend, Ireland, Joseph, Randle, Russell, Swift and Westfall—15.

The question then recurred on the adoption of the amendments offered by Senator Culberson to the original bill, which was as follows: Amend by striking out the following words in section four, lines twenty-three and twenty-four, "including side tracks and turnouts;" also, strike out the word "seventy-five," and insert the word "seventy," it was adopted.

Senator Culberson then withdrew the third amendment.

Senator Bradley then moved the previous question.

The Senate refused to sustain the motion.

Senator Ireland then offered the following amendments: First. *Provided*, That this act shall not be held, considered or construed in any sense, as a recognition of the powers of the Legislature to tax the people of this State for the purpose indicated; nor shall this act be held or considered as in any way interfering with the litigation now pending between said railway company and the State of Texas." Second, strike out of section five all after and including line eleven.

Senator Ireland stated that he desired the amendments to be considered *separatim*.

Senator Dwyer moved to adopt the first amendment.

Senator Erath offered the following as an amendment to the first amendment offered by Senator Ireland: Strike out the words "State of Texas," which occur just after the words "railway company and," and insert "late Comptroller of the State of Texas."

Senator Ireland accepted the amendment.

Senator Moore moved that both amendments be voted on at one and the same time. Carried.

The amendments were then adopted by the following vote:

Yeas—Senators Ball, Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift and Westfall—21.

Nays—Senators Allison, Bradley, Bradshaw, Davenport, Dillard, Hobby and Trolinger—7.

Senator Moore then offered the following amendment: Strike out all of section four after word "act" in line twenty-one. Lost.

Senator Dillard offered the following amendment; Strike out the third section, and amend the other sections of the bill so as to harmonize with this amendment.

Senator Ellis moved the previous question. Motion sustained.

Senator Davenport moved that the Senate adjourn till 9 A. M. to-morrow. Lost by the following vote:

Yeas—Senators Allison, Bradshaw, Bradley, Davenport, Dillard, Hobby, Moore, Parker and Trolinger—9.

Nays—Senators Ball, Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Randle, Russell, Stirman, Swift and Westfall—19.

Senator Ellis then withdrew his motion for the previous question.

Senator Culberson then offered the following amendment as a substitute for the one offered by Senator Dillard: Add to the third section the following: "*Provided*, That the tax herein provided for, shall not be assessed and collected by the Comptroller, until after the decision of the Supreme Court, as hereinafter provided."

Senator Allison moved to indefinitely postpone the whole matter under consideration. Lost by the following vote:

Yeas—Senators Allison, Ball, Bradshaw, Bradley, Davenport, Dillard, Hobby, Moore and Trolinger—9.

Nays—Senators Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Stirman, Swift and Westfall—19.

Senator Flanagan then moved the previous question, which was the adoption of the amendment offered by Senator Culberson as a substitute for the one offered by Senator Dillard. Previous question seconded.

The amendment was then adopted by the following vote:

Yeas—Senators Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift and Westfall—20.

Nays—Senators Allison, Ball, Bradshaw, Bradley, Davenport, Dillard, Hobby and Trolinger—8.

The question then recurring on the adoption of the amendment offered by Senator Culberson, it was adopted by the following vote:

Yeas—Senators Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift and Westfall—20.

Nays—Senators Allison, Ball, Bradshaw, Bradley, Davenport, Dillard, Hobby and Trolinger—8.

The bill as amended, was then ordered engrossed by the following vote:

Yeas—Senators Baker, Burton, Camp, Culberson, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Randle, Russell, Stirman, Swift and Westfall—18.

Nays—Senators Allison, Ball, Bradshaw, Bradley, Davenport, Dillard, Hobby, Moore, Parker and Trolinger.—10.

A message was received from the House, announcing that the House had concurred in Senate concurrent resolution, "fixing next Tuesday, the twenty-fourth instant, at 9 A. M., as the time to meet in joint session for the consideration preferred in the address against Judge L. W. Cooper, of the Third Judicial District.

The President of the Senate submitted the following communication from his Excellency Governor Coke:

EXECUTIVE OFFICE, }  
AUSTIN, March 20, 1874. }

*Hon. R. B. Hubbard, President of the Senate:*

I have the honor to acknowledge the receipt of your communication, of the nineteenth instant, with enclosures, showing the adoption by the requisite constitutional majority by the House over which you preside, of an address to the Executive, requiring the removal of Hon. J. B. Williamson, from the office of judge of the Sixth Judicial District.

I have the honor to state that I received to-day from the Hon. Guy M. Bryan, Speaker of the House of Representatives of Texas, a communication informing me that the same address was adopted in the House, by the requisite constitutional majority. I beg leave respectfully through yourself to inform the Senate, that I have performed the duty devolved on the Executive by this joint action of the two houses, by addressing a note to the Hon. J. B. Williamson, at Marshall, in Harrison county, removing him from the office of judge of the Sixth Judicial District, and declaring said office vacant, a copy of which note, accompanies this communication.

Very respectfully, your obedient servant,

RICHARD COKE, Governor.

Copy of letter to Hon. J. B. Williamson:

EXECUTIVE OFFICE, }  
AUSTIN, March 20, 1874. }

*Hon. J. B. Williamson, Judge of the Sixth Judicial District, Marshall, Texas:*

SIR: The Legislature of the State of Texas, by a two-thirds vote of each house, have adopted and transmitted to me an address, requiring, for causes spread upon the records of said two houses, of which you have been duly notified, your removal from the office of Judge of the Sixth Judicial District of Texas. I therefore, as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of judge of the Sixth Judicial District, and declare said office vacant. Very respectfully,

RICHARD COKE, Governor,

On motion of Senator Ireland the Senate adjourned.

## FIFTY-SIXTH DAY.

SENATE CHAMBER, }  
AUSTIN, March 21, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Wright, of Austin.

Journal of yesterday read and adopted.

On motion of Senator Hobby, Senator Baker was excused until Monday next.

On motion of Senator Westfall, Major Leigh Chambers, calendar clerk, was excused for to-day, to attend court.

On motion of Senator Bradley, Senator Wood was excused indefinitely.

Senators Bradshaw, Ledbetter, Ireland and Swift presented petitions of citizens of Cherokee county, praying that the Legislature do not divide Cherokee county. Read and referred to Committee on Counties and County Boundaries.

Senator Swift presented a petition of John Lucas, of San Augustine county, asking relief. Read and referred to Committee on Private Land Claims.

Senator Ball introduced a bill entitled "An act to amend articles 220 and 250 of the Code of Criminal Procedure." Read first time and Referred to Judiciary Committee.

Senator Bradley offered the following resolution.

*Resolved,* That the resolution heretofore adopted, requiring the Senate to meet at 9 o'clock A. M., be, and the same is hereby, rescinded.

Read and laid over under the rules.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 210, "An act to regulate the pay for guards and keeping prisoners by sheriffs," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 56, "An act to regulate the collection of accounts from another State, or from another county in this State than that in which suit is brought," ask leave to return the same, with the recommendation that it do pass, as amended by the House.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 180, "An act to exempt earnings of laborers, mechanics and artisans, to a certain extent, from the payment of debts by legal process," ask leave to return the same with the following amendment: Strike out all after the word